

Application No.: 09/899,537

Docket No.: 21994-00025-US

REMARKS

In view of the above amendment, applicant believes the pending application is in condition for allowance.

The Office Action and prior art relied upon have been carefully considered. Claims 1 and 2 were rejected under 35 USC 102(b) as being anticipated by Parulski. Claim 3 was rejected under 35 USC 103(a) as being unpatentable over Parulski in view of Oda. Claim 4 was rejected under 35 USC 103(a) as unpatentable over Parulski in view of Kawaoka.

In an effort to expedite the prosecution claims 1-4 have been amended to clarify the distinctions between the cited art and the present invention. Independent Claim 1 includes the clarified limitation that an intercepting section is only provided in an area (D) disposed on a side far from an outputting section (E) and never provided on a side near to the outputting section (see Fig. 2 and page 10, lines 8-14).

In the case of Parulski et al. (US No. 5,440,343), as shown in Fig. 9, an intercepting section (46') is provided on both the far side and the near side of the outputting section. This provides intercepting sections in scattered areas and results in a solid state image sensing device structure that is quite complicated. Further, such a configuration makes signal processing of an outputted picture signal complicated.

Consequently, providing intercepting sections in scattered areas is not desirable for a solid state image sensing device and thus would not form the basis of anticipation nor *prima facie* obviousness.

Thus the structure of the present invention is structurally completely different and teaches away from Parulski et al. Accordingly, claims 1-4 are neither anticipated by Parulski et al. nor obvious in view of this reference in combination with the secondary cited patents.

New claims 5-8 have been added to clarify the point that the image sensing apparatus is provided with a controller (12). In the first picture taking mode, the

Application No.: 09/899,537

Docket No.: 21994-00025-US

controller (12) controls a solid state image sensing device (10) so as to shift a center of an optical axis of a lens to coincide with a first position (x1) disposed in the image sensing area (B). In the second picture taking mode, the controller (12) controls the solid state image sensing device (10) so as to shift the center of the optical axis of the lens to coincide with a second position (x2) different from the first position (x1) disposed in the image sensing area (B) (see Figs. 1 and 2, page 10, line 20 to page 11, line 4 and page 15, lines 9-12).

None of the cited references anticipate nor render such a combination obvious. Accordingly, new claims 5-8 should also be allowed in addition to prior claims 1-4.

In view of the above, consideration and allowance are, therefore, respectfully solicited.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Director is hereby authorized to charge any fees, or credit any overpayment, associated with this communication, including any extension fees, to CBLH Deposit Account No. 22-0185.

Dated: July 20, 2005

Respectfully submitted,

By 
Morris Liss

Registration No.: 24,510

CONNOLLY BOVE LODGE & HUTZ LLP

1990 M Street, N.W., Suite 800

Washington, DC 20036-3425

(202) 331-7111

(202) 293-6229 (Fax)

Attorney for Applicant